

Attorney's Docket: 2002DE114  
Serial No.: 10/516,928  
Group: 1755

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REMARKS

The Office Action mailed September 27, 2006, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-6 and 8-32 are pending in this Application. By this Amendment, Applicants have cancelled claims 2, 9, 20, 22-26, 31 and 32. The remaining claims have all been amended. Therefore the claims under consideration are believed to be include claims 1, 3-6, 8, 10-19, 21, and 27-30.

Claim Rejection Under 35 USC § 112, Second Paragraph

Claims 1, 2, 4, 8, 9, 13, 15, 16, 19 and 26-28 stand rejected under 35 USC § 112, second paragraph as being indefinite.

Specifically, the Office finds the terms "long-chain" and "short-chain" indefinite "in that "long" and "short" are relative to an unrecited comparison." This rejection is courteously traversed.

With respect to the terms "long-chain" and "short chain", Applicants have deleted the subject phrases in the instances where such phrase modify amines. Concerning the definition of "long-chain", it is Applicants' respectful position that this term is readily known and understood by those with ordinary skill in the art to describe the chain length of straight chain fatty based materials such as alcohols and acids. The phrase "long-chain" is used to describe C<sub>8</sub>-C<sub>22</sub> in fat chemistry and C<sub>22</sub> to C<sub>50</sub> in wax chemistry. Concerning "long-chain" hydrocarbon waxes, again, the

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term is one readily recognized by one with ordinary skill. With respect to the phrase "short-chain," such phase is readily understood in the art to mean C<sub>2</sub>-C<sub>10</sub>.

Applicants' position is buttressed by a search on Google which pulls up a tremendous number of articles referring to long-chain and short-chain chemical compounds. For at least this reason, it is respectfully contended that the term long-chain and short-chain are readily understood by one with ordinary skill in the art and are not violative of §112, second paragraph.

The Office states that "there is no basis in claim 1 for "montane wax of claim 4". Claim 4 has been amended to change its dependence to claim 3, thereby providing antecedent bases for the term montan wax.

The Office states that spelling of "montane" is non standard and otherwise undefined by the instant specification." Applicants have amended the specification and pending claims to replace all instances of "montane" with the proper spelling "montan".

The Office states there is no basis in claim 1 for the polyethylene wax of claim 19. Claim 19 has been amended, changing its dependence to claim 17.

The Office states "the term 'derivative' renders the scope of the claim indefinite (Applicants assume the Office is speaking of dependent claim 4) without explicit recitation of the scope of the modification of a compound may undergo and yet may be considered a derivative of the original." By this Amendment claim 4, has been amended to eliminate the word "derivative," while particular montan wax compounds have been added to the claim.

In view of the forgoing amendment and remarks, it is respectfully contended the 35 USC § 112 rejections have been traversed/overcome and, therefore, reconsideration and withdrawal of the rejection is respectfully solicited.

#### Claim Rejections Under 35 USC §§ 102 and 103

Claims 1-6, 8-14, 16-19, 22-19, 31 and 32 stand rejected under 35 USC § 102(b) as being anticipated by US 4342602. This rejection is respectfully overcome.

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As amended, Applicants' claimed invention is directed to a composition having therein a mixture of finely ground waxes. The wax mixture includes from 5 to 99% of an ester wax. The composition is selected from the group consisting of printing inks, plastics, crop protection preparations and lubricants for plastics.

U.S. 4342602 does not disclose, teach or suggest 5 to 99% of an ester wax in its composition. Moreover, it does not speak to, hint at, or suggest the use of a mixture of finely ground waxes in printing inks, plastics, crop protection preparations or lubricants for plastics.

For at least these reasons it is respectfully contended that independent claim 1, as amended, and all claims depending there from, can not be anticipated by U.S. 4342602.

Claim 15 stands rejected under 35 USC § 103(a) as being unpatentable over U.S. 4342602, as applied above with respect to the § 102 rejection, and in view of WO 0164776. This rejection is respectfully overcome.

In light of the amendments to independent claim 1, from which claim 15 depends, and the fact that WO 0164776 does not speak to an ester compound or to a composition including printing inks, plastics, crop preparations or lubricants for plastics, for all the reasons advanced with respect to this § 102 rejection under US 4342602, it is respectfully contended that claim 15 is not made obvious by any combination of US 4342602 in view of WO 0164776.

Claims 1-6 and 8-32 stand rejected under 35 USC § 102(a) as being anticipated by WO 0185855. This rejection is respectfully overcome.

As can be seen on page 3, paragraph 0068 of U.S. 2003/01548855, the wax mixture described therein is used for:

[C]oating materials and dispersions, an improvement in the slip, hardness and abrasion resistance, an increase in the throughput and improvement in pigment dispersion in powder coating materials, and better antiblocking and handling sensation (soft feel).

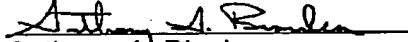
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Nowhere in U.S. 2003/01548855 is there disclosed, taught or suggested a composition having a wax mixture with the composition being a printing ink, plastic, crop protection preparation or a lubricant for plastics. As US 2003/01548855 does not disclose use of the wax preparation in conjunction with the above referenced compositions, it is respectfully contended that such reference can not anticipate newly amended claim 1, nor any claims depending there from.

In view of the forgoing amendments and remarks, it is respectfully contended that the 35 USC § 102 and § 103 rejections have been overcome. In consequence, Applicants courteously solicit reconsideration and withdrawal of the rejections.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,

  
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